Mail Stop Interference P.O. Box 1450 Alexandria Va 22313-1450 Tel: 571-272-9797

March 1, 2006

Tel: 571-272-9797 Fax: 571-273-0042

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

JAY K. BASS, JOHN F. MCENTEE,
TIM J. LAZARUK, MARYAM MOBED-MIREMADI and BRENT T. TOLOSKO
Junior Party
(Patent 6,790,620),

٧.

MARTIN GOLDBERG, MARTIN DIGGLEMAN, EARL HUBBELL, GLENN MCGALL, NAM QUOC NGO, MACDONALD, MORRIS, MEL YAMAMOTO, JENNIFER TAN AND RICHARD P. RAVA Senior Party (Application 11/224,052).

Patent Interference No. 105,424 (Technology Center 1600)

DECLARATION - Bd.R. 203(d)¹

- 1 Part A. Declaration of interference
- 2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
- 3 parties. Details of the application(s), patent (if any), reissue application (if any),
- 4 count(s) and claims designated as corresponding or as not corresponding to the
- 5 count(s) appear in Parts E and F of this DECLARATION.
- 6 Part B. Judge managing the interference

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

- 1 Administrative Patent Judge Jameson Lee has been designated to manage the
- 2 interference. Bd. R. 104(a).
- 3 Part C. Standing order
- 4 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
- 5 DECLARATION. The STANDING ORDER applies to this interference.
- 6 Part D. Initial conference call
- A telephone conference call to discuss the interference is set for April 26, 2006
- 8 at 2:30 pm (the Board will initiate the call).
- 9 No later than **four business days** prior to the conference call, each party shall
- 10 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
- 11 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.
- 12 A sample schedule for taking action during the motion phase appears as Form 2
- 13 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
- 14 the conference call and to agree on dates for taking action. A typical motion period
- 15 lasts approximately eight (8) months. Counsel should be prepared to justify any
- 16 request for a shorter or longer period.

Part E. Identification and order of the parties

2		Junior Party
3 4 5 6 7 8	Named inventors:	Jay K. Bass, Mountain View, CA John F. McEntee, Boulder Creek, CA Tim J. Lazaruk, Redwood City, CA Maryam Mobed-Miremadi, Sunnyvale, CA Brent T. Tolosko, Santa Clara, CA
9	Involved Patent:	6,790,620, granted September 14, 2004, based on application 10/035,787, filed December 24, 2001
11 12	Title:	Small Volume Chambers
13	Assignee:	Agilent Technologies, Inc.
14		
15		Senior Party
16 17 18 19 20 21 22 23 24	Named Inventors:	Martin Goldberg, Saratoga, CA Martin Digglemen, Nierdorf, SWITZERLAND Earl Hubbell, Mountain View, CA Glenn McGall, Palo Alto, CA Nam Quoc Ngo, Campbell, CA MacDonald Morris, Felton, CA Mel Yamamoto, Fremont, CA Jennifer Tan, Newark, CA Richard P. Rava, Redwood City, CA
25	Involved Application:	11/224,052, filed September 13, 2005
26	Title:	Substrate Preparation Process
27	Assignee:	None
28	The senior party is assign	ed exhibit numbers 1001-1999. The junior party is
29	assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party	
30	is responsible for initiating settler	ment discussions. SO ¶ 126.1.
0.4		

1

1	Part F. Count and	claims of the parties
2		Count 1
3	Claim 1 of Ba	ass' Patent No. 6,790,620
4		or
5	Claim 3 of Go	oldberg's Application 11/224,052
6	The claims of the parties are:	
7	Bass:	1-21
8	Goldberg:	1-3
9	The claims of the parties which correspond to Count 1 are:	
10	Bass:	1-21
11	Goldberg:	1-3
12	The claims of the pa	arties which do not correspond to Count 1, and therefore are
13	not involved in the interference, are:	
14	Bass:	None
15	Goldberg:	None
16	The parties are accorded the following benefit for Count 1:	
17	Bass:	None
18	Goldberg:	Application 10/722,032, filed November 25, 2003
19		Patent 6,706,875, granted March 16, 2004
20		Patent 6,307,042, granted October 23, 2001
21		Patent 5,959,098, granted September 28, 1999
22		
23		

1	Part G. Heading to be used on papers
2	The following heading must be used on all papers filed in this interference, see
3 4 5 6 7	SO ¶ 106.1.1: UNITED STATES PATENT AND TRADEMARK OFFICE
8 9 10 11	BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
12 13 14 15 16	JAY K. BASS, JOHN F. MCENTEE, TIM J. LAZARUK, MARYAM MOBED-MIREMADI, and BRENT T. TOLOSKO Junior Party (Patent 6,790,620),
17	V.
18 19 20 21 22 23 24	MARTIN GOLDBERG, MARTIN DIGGLEMAN, EARL HUBBELL, GLENN MCGALL, NAM QUOC NGO, MACDONALD, MORRIS, MEL YAMAMOTO, JENNIFER TAN AND RICHARD P. RAVA Senior Party (Application 11/224,052).
25 26 27	Patent Interference No. 105,424 (Technology Center 1600)
28 29	Part H. Order form for requesting file copies
30	When requesting copies of files, use of SO Form 4 will greatly expedite
31	processing of the request. Please attach a copy of Parts E and F of this
32	DECLARATION with a hand-drawn circle around the patents and applications for which
33	a copy of a file wrapper is requested.

/Jameson Lee/ Administrative Patent Judge Enc:

Copy of STANDING ORDER Form PTO-850 Copy U.S. Patent 6,790,620 Copy of claims of Application 11/224,052

Revised 3 January 2006

cc (via overnight delivery):

Attorney for Bass:

Gordon Stewart AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Intellectual Property Administration 3500 Deer Creek Road Palo Alto, CA 94304

Tel: 650-485-2386

Attorney for GOLDBERG:

AFFYMETRIX, INC. Attn: Chief IP Counsel, Legal Dept. 3420 Central Expressway Santa Clara, CA 95051

Tel: 408-731-5000